

**REMARKS**

Claims 31-66 were examined by the Office, and in the Office Action of August 23, 2010 all claims are rejected. With this response, claims 31, 38, 46 and 57 are amended. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

**Claim Rejections Under § 102**

In section 4, on page 2 of the Office Action, claims 31-35, 37-39, 41-43, 45-50, 52-54 and 56-66 are rejected under 35 U.S.C. § 102(b) as anticipated by Applicant Admitted Prior Art (AAPA) disclosed on pages 1-10 of the instant application. Applicant respectfully submits that claim 31 is not disclosed or suggested by the AAPA, because the AAPA fails to disclose or suggest all of the limitations recited in claim 31. Claim 31 is amended to recite that the command message is for synchronizing the second data store with respect to a change in the directory structure of the first data store. Applicant respectfully submits that the AAPA at least fails to disclose or suggest this limitation recited in claim 31.

In contrast to claim 31, page 6, lines 14-24 of the AAPA clearly indicates that the commands relate to operations associated with data items, and do not disclose or suggest synchronization with respect to a change in directory structure. For example, SyncML defines request commands and response commands, and the request commands include add, which is a command that allows the originator to ask that one or more data units be added, copy, which is a command allowing the originator to ask that one or more data units accessible to the recipient be copied, and delete, which is a command allowing the originator to ask that one or more data units accessible to the recipient be deleted or archived. See AAPA page 6, lines 25-33. Therefore, the commands discussed in this section of the AAPA do not relate to changes in directory structure, as recited in claim 31, but instead relate to data units. Furthermore, page 1, lines 22-31 and page 2, lines 1-29 of the AAPA indicates the need for synchronizing data stores when changes are made and explains that the synchronization process makes the two data stores correspond to each other but does not teach how to synchronize changes in the directory structure. In particular, the AAPA specifically states that “with SyncML, data items, but not yet data structure, can be synchronized on different devices connected via one or more interconnecting networks.” See AAPA page 2, lines 21-23. Therefore, the AAPA does not provide a solution for synchronizing

directory structure, but instead is merely identifying a problem. In addition, page 7, lines 8-18 of the AAPA only describes different XML element types of XML documents in SyncML protocol, but does not teach how to synchronize two data stores with respect to changes in directory structure, as recited in claim 31. Therefore, for at least the reasons discussed above, claim 31 is not disclosed or suggested by the AAPA. Accordingly, applicant respectfully requests withdrawal of the rejection to claim 31.

Independent claims 38, 46 and 57 contain limitations similar to those recited in claim 31. Therefore, for at least the reasons discussed above with respect to claim 31, claims 38, 46 and 57 are not disclosed or suggested by the AAPA.

The dependent claims rejected above, all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the AAPA at least in view of their dependencies.

### **Claim Rejections Under § 103**


In section 18, on page 8 of the Office Action, claims 36, 40, 44, 51, 55 and 65 are rejected under 35 U.S.C. § 103(a) as unpatentable over the AAPA in view of Edwards (U.S. Patent No. 7,395,281). Claims 36, 40, 44, 51, 55 and 65 all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

**Conclusion**

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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